

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 25, 2010**

**DIVISION ONE**

B218029      Los Angeles County, D.C.F.S.                      (Not for Publication)  
                 v.  
                 Daniel D.

The judgment is affirmed.

Johnson, J.

We concur:   Mallano, P.J.  
                 Chaney, J.

B212669      County of Los Angeles                      (Not for Publication)  
                 v.  
                 Indiana Lumbermen's Mutual Insurance Co.

The judgment is affirmed. The County of Los Angeles is awarded its costs on appeal.

Mallano, P.J.

We concur:   Chaney, J.  
                 Johnson, J.

## DIVISION ONE (continued)

B214747 People (Not for Publication)  
v.  
Barry Annis

The Penal Code section 667.5, subdivision (b) enhancement is reversed. In all other respects, the judgment is affirmed and the cause is remanded for further proceedings.

Mallano, P.J.

We concur:   Rothschild, J.  
                      Chaney, J.

B211475      People      (Not for Publication)  
v.  
Jose Guadalupe Rivera

The conviction in count 1 (Pen. Code, section 591) is reversed for insufficiency of evidence. The consecutive sentence for count 6 is vacated and the matter is remanded for resentencing. In all other respects, the judgment is affirmed.

Mallano, P.J.

We concur: Chaney, J.  
Johnson, J.

B210889 People (Not for Publication)  
v.  
Caroline Marie Salazar

The order of the superior court is affirmed.

Johnson, J.

We concur:   Rothschild, Acting P.J.  
                  Chaney, J.

## March 25, 2010 (Continued)

## DIVISION ONE (continued)

B213005      People                                  (Not for Publication)  
v.  
Tyrell Avion Lee, et al.

The Penal Code section 1202.5 fee is stricken with respect to each defendant. In all other respects, the judgments are affirmed. The trial court is directed to issue an amended abstract of judgment for each defendant to (1) eliminate reference to the improper Penal Code section 1202.5 fee and (2) reflect conviction after a jury trial, not a plea.

Mallano, P.J.

We concur:   Rothschild, J.  
                      Chaney, J.

B214000      Willietta Boyd      (Not for Publication)  
v.  
Betty Rice

The judgment is affirmed. Respondent(s) to recover costs.

Chaney, J.

We concur:   Mallano, P.J.  
                      Rothschild, J.

B213954 Michael Van Parys, et al. (Not for Publication)  
v.  
9th Street Market Lofts, LLC.

The judgment is reversed. Appellant(s) to recover costs.

Chaney, J.

We concur:   Mallano, P.J.  
                      Rothschild, J.

## DIVISION ONE (continued)

B211020      People      (Not for Publication)  
v.  
Corey Shaw

The judgment of conviction is affirmed. The judgment is reversed only as to the trial court's stay of the enhancement for Appellant's 2003 Arizona conviction. The matter is remanded with directions to the court to either strike or impose the enhancement for the Arizona conviction. In all other respects, the judgment is affirmed.

Chaney, J.

We concur:   Rothschild, Acting P.J.  
                     Johnson, J.

B217337      Frank Oyefule      (Not for Publication)  
v.  
Carl Edwin Rabousky

The judgment is affirmed. Respondent is to recover costs on appeal.

Chaney, J.

We concur:   Rothschild, Acting P.J.  
                      Johnson, J.

B221723      Lee      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Mandarin Pavilion et al., r.p.i.)

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of December 29, 2009, denying petitioner's motion for reclassification, and to issue a new and different order granting same, in Los Angeles Superior Court case No. 09E10918, entitled Bong Chil Lee v. Mandarin Pavilion et al. All parties shall bear their own costs.

Mallano, P.J.      Rothschild, J.      Chaney, J.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,  
Deputy Clerk.

Each of the following:

B212781 People v. Lopez C.

B211135 Jones v. Wills

B218193 DCFS v. D.B.

B207087 People v. Fuentes

B213093 People v. Lopez F.

B214599 People v. L.L.

B219440 DCFS v. C.R.

B217349 DCFS v. E.B.

B217122 People v. T.C.

B218651 DCFS v. R.F.

B214583 People v. Dennis

Argument waived, cause submitted.

B214976     People  
              v.  
              Castillo

Merits:

Argued by Charles Khoury Jr. for appellant and by David Madeo for  
respondent. Cause submitted.

B216692     Housing Renaissance Fund, et al.  
              v.  
              Haber

Merits:

Argued by Mark Adams for appellants and by Timothy Tierney for  
respondent. Cause submitted.

DIVISION TWO (continued)

B211605      Ocean Fresh Trading Inc.  
                  v.  
                  Dang, et al.

Merits:  
Argued by Douglas Galanter for appellant and by Brian Procel for respondents. Cause submitted.

B216596      Fisher  
                  v.  
                  Santa Romana

Merits:  
Argued by Mark Santa Romano for appellant and by Marilyn Smith for respondent. Cause submitted.

Justice Doi Todd leaves bench

B213965      Ring, et al.  
                  v.  
                  Marasco, et al.

Merits:  
Argued by Miriam Vogel for appellants and by Hillel Chodos for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,  
Deputy Clerk.

DIVISION TWO (continued)

B213991     Franklin  
              v.  
              Pace

Merits:

Argued by Maurice Franklin for appellant and waiver of oral argument for respondent. Cause submitted.

B212907     Levitt, M.D.  
              v.  
              Ross, M.D.

Merits:

Argued by Kathy Seuthe for appellant and by Lara Krieger for respondent. Cause submitted.

B215005     Essex Insurance Company  
              v.  
              Professional Building Contractors Inc.

Merits:

Argued by Jordan Stanzler for appellant and by Matthew Halloran for respondent. Cause submitted.

B210049     Karim, et al.  
              v.  
              City of Pomona

Merits:

Argued by George Murphy for appellant and by Karen Walter for respondents. Cause submitted.

Justice Chavez leaves bench

DIVISION TWO (continued)

B217145     Doe  
              v.  
              Channel Four Televison Corporation

Merits:  
Argued by Victor Daniels for appellant and by Russell Smith for  
respondent. Cause submitted.

Court adjourned.

B214622     Warren W. Roche  
              v.  
              Erik E. Lang

Filed order denying petition for rehearing.

DIVISION THREE

B219011     The People                             (Certified for Publication)  
              v.  
              Superior Court, Los Angeles County  
              (Christopher Sharkey, r.p.i.)

The order to show cause is discharged. The stay of proceedings is lifted.  
The petition for writ of mandate is granted. Let a peremptory writ of  
mandate issue, directing respondent superior court to vacate its order  
granting Sharkey's motion to dismiss the petition to commit him as an  
SVP, and to enter a new and different order denying the dismissal motion  
and setting the matter for proceedings pursuant to the SVPA.

Klein, P.J.

We concur:    Croskey, J.  
                  Aldrich, J.



### DIVISION THREE (continued)

B211846 People (Not for Publication)  
v.  
Miguel Romero

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B211052      Agbeti      (Not for Publication)  
v.  
Los Angeles Unified School District, et al.

The summary judgment is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B214426      Goldfarb      (Not for Publication)  
v.  
Tash, et al.

The order confirming sale of real property entered on May 5, 2009, is reversed. Costs on appeal are awarded to Objectors Richard Tash, Brian Tash, and Larry Tash. Pursuant to the parties' stipulation, the Clerk of the Court is directed to issue the remittitur immediately upon the filing of this opinion (Cal. Rules of Court, rule 8.272(c)(1)).

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

### DIVISION THREE (continued)

B208941      Hager      (Not for Publication)  
v.  
County of Los Angeles, Los Angeles County Sheriff's Department

The judgment is reversed. Respondent to bear costs of appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

DIVISION FOUR

B215475      Zuzanska      (Not for Publication)  
v.  
Hanson

The order is affirmed. Respondent(s) to recover costs.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

B215805      Greene      (Not for Publication)  
v.  
Lee's Maintenance Services, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

## March 25, 2010 (Continued)

## DIVISION FOUR (continued)

B215100      Carlisi      (Not for Publication)  
v.  
MacAllister

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

B212749 Lizaso (Not for Publication)  
v.  
Lizaso

The judgment is affirmed. Respondent(s) to recover costs.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

B214743      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Cesar L.

The appeal is dismissed as moot.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

## DIVISION FOUR (continued)

B216011      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Leticia L.

The order is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.  
Suzukawa, J.

B216551      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Chontel R.

The challenged order finding ICWA notice was given as required by law is affirmed, as is the judgment terminating parental rights to Lonnie H.

Willhite, J.

We concur: Epstein, P.J.  
Suzukawa, J.

B217443 People (Not for Publication)  
v.  
Hernandez

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

March 25, 2010 (Continued)

## DIVISION FOUR (continued)

B214975      Nazarian      (Not for Publication)  
v.  
Los Angeles County Sheriff's Department, et al.

The judgment of dismissal is reversed. The case is remanded to the trial court for further proceedings consistent with this opinion. Narzarian is entitled to costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

## DIVISION FIVE

B211270      Freemantlemedia North America, Inc.      (Not for Publication)  
v.  
Hilb, Rogal and Hobbs

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Mosk, Acting P.J.  
Weisman, J. (Assigned)

B212816 Charles Hathaway (Not for Publication)  
v.  
Ocwen Loan Servicing, LLC et al

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Mosk, Acting P.J.  
Weisman, J. (Assigned)

DIVISION FIVE (continued)

B209712      Moussa Kalimi      (Not for Publication)

v.

Behrouz Babajouni and Moshen Babajani

The judgment is affirmed. Because plaintiff did not defend the appeal, no costs are awarded.

Mosk, J.

We concur:    Armstrong, Acting P.J.  
                         Kriegler, J.

B213597      Jonathon Bates et al      (Not for Publication)

v.

Tristen Aviation Group, LLC et al

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, Acting P.J.

We concur:    Kriegler, J.  
                         Weisman, J. (Assigned)

B209654      People      (Not for Publication)

v.

Alejandra Gomez

The abstract of judgment is ordered modified to reflect court security fees of \$60. The judgment is otherwise affirmed.

Mosk, J.

We concur:    Armstrong, Acting P.J.  
                         Kriegler, J.

## March 25, 2010 (Continued)

## DIVISION FIVE (continued)

B217469 People (Not for Publication)  
v.  
Omar Avelar

The judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

B219616      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Emerson H.  
In re Sean H., a Person Coming Under the Juvenile Court Law

The judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

B215716      People      (Not for Publication)  
v.  
Antuan D. Anderson

The judgment is affirmed.

Weisman, J. (Assigned)

We concur:   Armstrong, Acting P.J.  
                      Mosk, J.

DIVISION FIVE (continued)

B215298      The Luckman Partnership                      (Not for Publication)

v.

Superior Court, Los Angeles County

(Darrell and Chenel Ramsey, r.p.i.)

The petition for writ of mandate is granted. The trial court is ordered to enter an order granting Luckman's motion for summary judgment.

Luckman to recover costs in this proceeding.

Armstrong, J.

I concur:      Kriegler, J.

I concur:      Turner, P.J. (opinion)

B214340      People

v.

Enrique Borrayo, et al.

Filed order denying petition for rehearing.

B209721      People

v.

Nanshon Williams, et al.,

Filed order modifying opinion. (No change in the judgment)

B208179      C3 Entertainment, Inc.

v.

Sony Pictures Television, Inc.

Filed order denying petition for rehearing.



## DIVISION SIX

B208505      People                                  (Not for Publication)  
v.  
Edward Charles Fells

The superior court is directed to prepare and forward to the Department of Corrections a modified abstract of judgment reflecting the award to Fells of 704 days of presentence custody credit. As so modified, the judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                              Yegan, J.

B214705 People (Not for Publication)  
v.  
Robert James Lindsey

The appeal is dismissed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B212552 People (Not for Publication)  
v.  
McDonald

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                         Yegan, J.

March 25, 2010 (Continued)

## DIVISION SIX (continued)

[illegible]

The section 667.5, subdivision (b) enhancement for case No. FRE04750 is stricken. The trial court on remand shall correct the abstract of judgment to conform to the sentence. In all other respects, the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B220739      In re Karl Loesch on Habeas Corpus      (Certified for Publication)

The petition for writ of habeas corpus is granted. The Governor's order reversing the Board's 2008 decision granting petitioner parole is vacated, the Board's parole release order is reinstated, and petitioner is ordered released from custody on parole.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B220887 Hilary S. (Not for Publication)  
v.  
San Luis Obispo County Superior Court  
San Luis Obispo County Department of Social Services

The petition for extraordinary writ is denied.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

## DIVISION SIX (continued)

B213838      People                      (Not for Publication)  
v.  
Salguero

The 25-year-to-life, plus 4-year weapon enhancement sentence for rape, count 1, is stricken. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B213827 People (Not for Publication)  
v.  
Jabarohgli

The abstract is amended to describe the offense in count 1 as second degree robbery. The sentences and enhancements for counts 2 and 3 are stayed. The trial court shall forward a modified abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

## DIVISION SEVEN

B211151 People (Not for Publication)  
v.  
Brevard

The judgment is affirmed.

Perluss, P.J.

We concur:    Woods, J.  
                     Jackson, J.

DIVISION SEVEN (continued)

B213972      Saman Mehdizadeh                      (Not for Publication)  
                 v.  
                 Behrouz Azizi

The order granting Azizi's motion for a new trial is reversed, and the original judgment is reinstated. Mehdizadeh is to recover his costs on appeal.

Perluss, P.J.

We concur:    Woods, J.  
                 Jackson, J.

B213053      Duclos    (Not for Publication)  
B214116      v.  
                 Marina Pacifica Homeowners Association, Inc.,

The judgment is reversed to the extent it awarded costs to the Homeowners Association and denied them to Duclos; in all other respects the judgment is affirmed. The postjudgment fee order is affirmed. The matter is remanded for further proceedings not inconsistent with this opinion. The parties are to bear their own costs on appeal.

Perluss, P.J.

We concur:    Woods, J.  
                 Zelon, J.